

**ORDINANCE NO. 09-341**

**AN ORDINANCE OF THE CITY OF LOS ALTOS AMENDING THE LOS ALTOS MUNICIPAL CODE CHAPTER 4.44, ENTITLED "STATE VIDEO SERVICE FRANCHISES"**

WHEREAS, on July 24, 2007, the City Council adopted Ordinance No. 07-313 which added a new Chapter 4.44 to Title 4 of the Los Altos Municipal Code ("LAMC"); and

WHEREAS, Chapter 4.44 adopted local regulations applicable to holders of state video franchises issued by the California Public Utilities Commission pursuant to the Digital Infrastructure and Video Competition Act of 2006, codified in California Public Utilities Code section 5800 *et seq.*, which the City is required administer and enforce; and

WHEREAS, LAMC Section 4.44.060 adopted a fee to support public, education and government ("PEG") channel facilities in the amount of two percent (2%) of gross revenues, applicable to all state franchise holders operating within the City; and

WHEREAS, the City Council pursuant to the terms and conditions of the Settlement Agreement dated October 27, 2009, shall amend the LAMC to reduce the PEG fee required to be paid by the holder of a state franchise from two percent (2%) of gross revenues to one and one-quarter percent (1.25%) of gross revenues, retroactive to January 2008; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the Guidelines implementing the California Environmental Quality Act of 1970, as amended.

The City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CODE:** Title 4 of the LAMC entitled "STATE VIDEO SERVICE FRANCHISES" Section 44.4.060 is hereby amended to read as follows:

**4.44.060 PEG fees.**

Any state franchise holder operating within the city shall pay to the city a PEG fee equal to one and one-quarter percent (1.25%) of the state franchise holder's gross revenues.

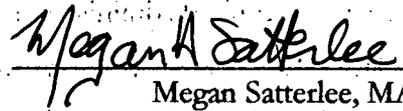
**SECTION 2. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Los Alto hereby declares that it would have passed and adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 3. PUBLICATION.** This Ordinance shall be published as provided in Government Code section 36933.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be effective upon the commencement of the thirty-first day following the date the adopted ordinance is attested by the City Clerk.

The foregoing Ordinance was duly and regularly introduced at a meeting of the City Council of the City of Los Altos on October 27, 2009 and was thereafter, at a regular meeting held on November 10, 2009 passed and adopted by the following vote:

AYES: PACKARD, CARPENTER, CASAS, BECKER, SATTERLEE  
NOES: NONE  
ABSENT: NONE

  
Megan Satterlee, MAYOR

Attest:

  
Susan Kitchens, CITY CLERK

Date: November 10, 2009